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PATENT APPLICATION

ATTORNEY DOCKET NO. 10017555-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Richard Paul TARQUINI

Confirmation No.: 5757

Application No.: 10/004,192

Examiner: Nano, Sargon N.

Filing Date: October 31, 2001

Group Art Unit: 2157

Title: SYSTEM AND METHOD FOR UNIFORM RESOURCE LOCATOR FILTERING

Mail Stop Appeal Brief - Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on January 17, 2006.

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

If any fees are required please charge Deposit Account 08-2025.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Richard Paul TARQUINI Confirmation No: 5757
Serial No.: 10/004,192
Filing Date: October 31, 2001
Group Art Unit: 2157
Examiner: Nano, Sargon N.
Title: SYSTEM AND METHOD FOR UNIFORM RESOURCE
LOCATOR FILTERING
Docket No.: 10017555-1

MAIL STOP: APPEAL BRIEF-PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

REPLY BRIEF

Applicant respectfully submits this Reply Brief in response to the Examiner's Answer mailed January 17, 2006, pursuant to 37 C.F.R. § 1.193(b).

As an initial matter, it has recently come to Applicant's attention that an appeal brief may be considered to be noncompliant with 37 C.F.R. § 41.37 if headings are not provided for each ground of rejection. While this has not happened in the present case, out of an abundance of caution, Applicant has provided herewith an Amended Appeal Brief containing such headings. No changes to the arguments have been made in the Appeal Brief from those presented in Applicant's Appeal Brief filed October 25, 2005.

Applicant responds to the Examiner's Answer as follows:

STATUS OF CLAIMS

Claims 1-20 stand rejected pursuant to a Final Office Action mailed July 13, 2005. Claims 1-20 are presented for appeal.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1, 10 and 11 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,996,011 issued to Humes (hereinafter “Humes”).
2. Claims 2-9 and 12-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Humes* in view of U.S. Patent No. 6,631,369 issued to Meyerzon (hereinafter “*Meyerzon*”).

ARGUMENT

A. First Ground of Rejection (Claims 1, 10 and 11)

In the Examiner's Answer, the Examiner appears to assert that any list of items is equivalent to a "search tree data structure" as recited by independent Claims 1 and 10 and, because *Humes* appears to disclose comparing each word in a web page to a dictionary, such list of items is therefore a "lexical search tree data structure" as recited by independent Claims 1 and 10 (Examiner's Answer, page 10). Applicant respectfully disagrees.

"Claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their 'broadest reasonable interpretation.'" *In re Marosi*, 710 F.2d 799, 802, 218 USPQ 289, 292 (Fed. Cir. 1983) (quoting *In re Okuzawa*, 537 F.2d 545, 548, 190 USPQ 464, 466 (CCPA 1976)) (emphasis added). It is the use of the words in the context of the written description and customarily by those skilled in the relevant art that accurately reflects both the "ordinary" and the "customary" meaning of the terms in the claims. *Ferguson Beauregard/Logic Controls v. Mega Systems*, 350 F.3d 1327, 1338, 69 USPQ2d 1001, 1009 (Fed. Cir. 2003).

Applicant respectfully submits that the Examiner's interpretation of the limitations of Claims 1 and 10 appears to be contrary to the claim language itself and Applicant's specification and, moreover, appears to be an unreasonable interpretation of the limitations of Claims 1 and 10 especially in view of Applicant's specification. For example, Applicant's specification discloses that a lexical search tree data structure (100) comprises root nodes (102), branches (104, 110, 112), and one or more leaf nodes (106, 120, 122) linked hierarchically to one another (at least at page 6, lines 4-32; page 7, lines 1-32; page 8, lines 1-22; and figures 3 and 4) and that a branch (104, 110, 112) along with its corresponding root node (102) and leaf nodes (106, 120, 122) represents one or more URLs (at least at page 6, lines 4-32; page 7, lines 1-32; page 8, lines 1-22; and figures 3 and 4). Applicant respectfully submits that a simple list of items is not a "lexical search tree data structure" as recited by independent Claims 1 and 10. To the

contrary, *Humes* does not disclose or even suggest, nor has the Examiner explicitly identified any such disclosure in the *Humes* reference, that any URL in the *Humes* reference is compared to any tree-type of structure. In fact, the Examiner has not explicitly identified in *Humes* any branches, leafs or any other type of structure generally associated with a “tree” type of data structure.

Moreover, the Examiner’s reliance on a “dictionary” usage in the *Humes* reference to convert a simple list of items into a “lexical search tree data structure” appears misplaced. For example, *Humes* recites:

The method provides for filtering the text of the web page by comparing each “word” (defined groupings of letter/number D characters) in the web page to a “dictionary.”

(*Humes*, column 3, lines 45-48) (emphasis added). Thus, the “dictionary” in *Humes* relied on by the Examiner is not used to evaluate a URL in the *Humes* reference. Thus, *Humes* does not disclose or even suggest “searching . . . a lexical search tree data structure storing a plurality of URLs for said received URL” as recited by Claim 1, or “search[ing] a lexical search tree data structure storing a plurality of URLs for said received URL” as recited by Claim 10.

Accordingly, Applicant respectfully submits that independent Claims 1 and 10, and Claim 11 that depends from independent Claim 10, are allowable.

B. Second Ground of Rejection (Claims 2-9 and 12-16)

Claims 2-9 and 12-16 depend respectively from independent Claims 1 and 10. As discussed above, independent Claims 1 and 10 are patentable over the cited reference. Therefore, Claims 2-9 and 12-16 that depend respectively therefrom are also patentable.

C. Second Ground of Rejection (Claims 17-20)

Independent Claim 17 recites “determining a branch associated with a root node of a lexical search tree data structure corresponding to said hash value, said lexical search tree data structure storing a plurality of URLs, said branch along with said root node representing at least one URL of said plurality of URLs, said branch having one or more leaf nodes linked hierarchically to one another, each leaf node representing an element of said at least one URL.” Applicant respectfully submits that a simple list of items is not a “lexical search tree data structure” as recited by independent Claim 17. To the contrary, *Humes* does not disclose or even suggest, nor has the Examiner explicitly identified any such disclosure in the *Humes* reference, that any URL in the *Humes* reference is compared to any tree-type of structure. In fact, the Examiner has not explicitly identified in *Humes* any branches, leafs or any other type of structure generally associated with a “tree” type of data structure.

Moreover, the Examiner’s reliance on a “dictionary” usage in the *Humes* reference to convert a simple list of items into a “lexical search tree data structure” appears misplaced at least because *Humes* does not compare any URL to such dictionary. To the contrary, *Humes* appears to disclose that text in a web page is compared to such dictionary.

Additionally, in the Examiner’s Answer, the Examiner appears to rely on a history table of URLs in the *Meyerzon* reference as corresponding to “said branch along with said root node representing at least one URL of said plurality of URLs, said branch having one or more leaf nodes linked hierarchically to one another, each leaf node representing an element of said at least one URL” as recited by Claim 17 (Examiner’s Answer, pages 11 and 12). Applicant respectfully disagrees. The table of *Humes* relied on by the Examiner appears to be nothing more than a listing of URLs discovered during a web crawling process (*Meyerzon*, column 8, lines 26-45). Thus, the entries in the table referred to by the Examiner (figure 3 of *Meyerzon*) do not appear to be “hierarchically” linked to one another such that “only said branch” may be traversed to find a match between a received URL and a stored URL as recited by Claim 17.

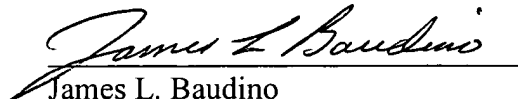
Accordingly, Applicant respectfully submits that Claim 17, and Claims 18-20 that depend therefrom, are allowable.

CONCLUSION

Applicant has demonstrated that the present invention as claimed is clearly distinguishable over the art cited of record. Therefore, Applicant respectfully requests the Board of Patent Appeals and Interferences to reverse the final rejection of the Examiner and instruct the Examiner to issue a notice of allowance of all claims.

No fee is believed due with this Reply Brief. If, however, Applicant has overlooked the need for any fee, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,


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Date: March 10, 2006

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